

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SETH BINION, #02497129

VS.

PODS MOVING & STORAGE, ET AL.

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CIVIL ACTION NO. 4:24cv313

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (the “Report”) in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On October 29, 2024, the Report (Dkt. #30) was entered containing proposed findings of fact and recommendations that *pro se* Plaintiff Seth Binion’s civil rights lawsuit be dismissed under 28 U.S.C. § 1915. The Magistrate Judge also recommended that this dismissal count as a strike pursuant to 28 U.S.C. § 1915(g).

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s Report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Plaintiff’s civil rights lawsuit is **DISMISSED**. Plaintiff is advised that this dismissal counts as a strike under 28 U.S.C. § 1915(g). It is further **ORDERED** that all motions not previously ruled on are hereby **DENIED**.

SIGNED this 13th day of January, 2025.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE